

PROTOCOL

setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 to 28 February 1990

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, signed on 15 June 1979, as amended by the Agreement signed on 21 January 1982 and the Agreement signed on 20 November 1985,

Having regard to the Protocol setting out the fishing rights and financial compensation provided for in the said Agreement for the period from 1 October 1986 to 28 February 1988,

HAVE AGREED AS FOLLOWS:

Article 1

From 29 February 1988, for a period of two years, the limits referred to in Article 4 (2) of the Agreement shall be set as follows:

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:

- (a) shrimp: — GRT/year;
- (b) fish and cephalopods: 250 GRT/year.

2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:

- (a) shrimp: — GRT/year;
- (b) fish and cephalopods: 3 000 GRT/year.

3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal: 6 000 GRT/year.

4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:

- (a) shrimp: 3 000 GRT/year;
 - (b) fish and cephalopods: 8 000 GRT/year.
5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:
 - (a) shrimp: 1 250 GRT over the tonnage specified in point 4;
 - (b) fish and cephalopods: 3 000 GRT over the tonnage specified in point 4.
 6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 10 000 GRT/year.
 7. Tuna vessels landing all their catch in Senegal: 18 vessels.
 8. Freezer tuna seiners landing part of their catch in Senegal: 48 vessels.
 9. Surface longliners: 35 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be set at 22 900 000 ECU for the period referred to in Article 1.

2. The compensation shall be paid into the account of Senegal's Treasury.

Article 3

In addition, during the period referred to in Article 1, the Community shall contribute the sum of 550 000 ECU to the financing of Senegal's scientific programme. This sum shall

be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT), which comes under the Institut Sénégalais de Recherche Agricole (ISRA).

Article 4

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, study and training awards totalling 660 months in various scientific, technical and economic subjects connected with fisheries. The total amount of these awards must not exceed 550 000 ECU, however. The awards may also be used in Senegal or in any other State linked to the Community by a cooperation agreement.

Article 5

Failure by the Community to pay the sums referred to in Articles 2, 3 and 4 of this Protocol may result in the suspension of the fisheries Agreement.

Article 6

Annex I to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by Annex I hereto.

Article 7

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 29 February 1988.

ANNEX I

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY
VESSELS FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY

A. Application for and issue of licences

The procedure for applications for and the issue of the licences allowing vessels flying the flag of a Member State of the Community to fish in Senegalese waters shall be as follows:

- 1.1. The relevant Community authorities must present to the Senegalese authorities concerned (the Ministry responsible for sea fisheries) an application in respect of each vessel wishing to fish under the Agreement.

That application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is attached hereto.

- 1.2. The technical services of the Ministry responsible for sea fisheries shall then establish the fee payable by the shipowner for the licence and inform the delegation of the Commission of the European Communities in Dakar.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

If within two weeks of notification of the amount due the fee has not been paid, the Community may make fresh licence applications for the tonnage concerned.

- 1.3. Licences shall be valid from the date of issue until 31 December of the year in which they are issued or until the expiry of the Protocol in the last year of application.

Inshore freezer trawlers fishing demersal species may, within the limits laid down in the Protocol setting out fishing rights and financial compensation, obtain special licences valid for four months.

- 1.4. The fees shall be for one year, except those for the licences referred to in the second paragraph of point 1.3. However, in the first and last years of application of the Protocol, the fees shall be in proportion to the period of validity. The fees shall be set as follows:

(A) Fees for trawlers

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:
 - (a) shrimp CFAF 25 000 GRT/year;
 - (b) fish and cephalopods CFAF 15 000 GRT/year.
2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:
 - (a) shrimp CFAF 50 000 GRT/year;
 - (b) fish and cephalopods CFAF 40 000 GRT/year.
3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal: CFAF 20 000 GRT/year.
4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:
 - (a) shrimp CFAF 40 000 GRT/year;
 - (b) fish and cephalopods CFAF 30 000 GRT/year.

5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:
 - (a) shrimp CFAF 25 000 GRT/four months;
 - (b) fish and cephalopods CFAF 20 000 GRT/four months.
6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: CFAF 30 000 GRT/year.

(B) *Fees for tuna vessels and longliners*

1. Tuna vessels landing all their catch in Senegal: CFAF 2/kilogram of fish caught in Senegal's EEZ.
2. Freezer tuna seiners landing part of their catch in Senegal: CFAF 7/kilogram of fish caught in Senegal's EEZ.
3. Surface longliners: CFAF 15/kilogram of fish caught in Senegal's EEZ.

Licences for vessels referred to in B (2) and (3) shall be issued following advance payment for those fees of a lump sum of CFAF 350 000 for each vessel to the Receveur des Domaines, which corresponds to 50 tonnes of tuna per tuna seiner per year.

A statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities on the basis of catch statements made by the shipowners and a verification of the volume of catch made by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRDOT). The statement shall be forwarded to the Senegalese authorities and notified to the shipowners who shall have 30 days to discharge their financial obligations *vis-à-vis* the Receveur des Domaines.

However, where the sum due as set out in the statement is less than the advance, the shipowner will not be reimbursed the difference.

B. *Statements of catch*

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities at Dakar, a statement of their catch made out according to the attached specimen. These statements must be presented after each voyage in the case of wet vessels and freezer vessels, or every month and in this case before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed. In this case, the delegation of the Commission of the European Communities at Dakar shall be informed. Furthermore, the sanction provided for under Article 58 of Senegal's sea fisheries code may be applied to the owner of the vessel concerned.

C. *Landing of catch*

- (a) 1. Freezer trawlers (inshore demersal fishing) shall land, for local market prices, 130 kilograms of fish and crustaceans per GRT every half-year.
2. These landings may be made individually or collectively.

Any failure to comply with the requirement to land catches shall render the shipowner liable to the following sanctions on the part of the Senegalese authorities:

- a fine of CFAF 300 000 for each tonne not landed in the case of inshore demersal fishing trawlers,
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel of the same shipowner.

In order to ensure payment of the fine, the issuing of licences shall be subject to the lodging in Senegal of a banker's guarantee of CFAF 39 000 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of wet tuna vessels, the target set by the two Parties shall be to land not less than 3 500 tonnes of tuna a year in Senegalese ports.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna vessels shall land 11 000 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. Signing-on of seamen

1. Trawlers authorized to fish in Senegalese waters under the Agreement are required to take on 33 % of their crew in the form of Senegalese seamen.

This percentage includes the observer or seaman/observer referred to in point H of this Annex and possibly a Senegalese national with the qualification of first mate or second engineer, should the vessel carry at least three officers on the bridge or in the engine room.

If a vessel authorized to fish in Senegalese waters holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer trawlers, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the necessary supplies and services, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet trawlers (coastal demersal species) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:

- (a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36' 00" N);
- (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36' 00" N) and the northern Senegal-Gambia border;
- (c) from six nautical miles off the baselines between the northern Senegal-Gambia border and the Senegal-Guinea Bissau border.

2. Wet trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) of more than 250 GRT shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.

3. Ocean-going trawlers for demersal species shall be authorized to fish:

- (a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00' N;
- (b) from six nautical miles off the baselines between latitude 15°00' N and the latitude of Portudal (14°27' 00" N);
- (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27' 00" N) and the northern Senegal-Gambia border;
- (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

4. Wet and freezer tuna vessels shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
5. Surface longliners shall be authorized to drop their lines:
 - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27' 00" N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27' 00" N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

G. Radio communications

Any Community vessel intending to carry out fishing activities in Senegal's fishing zone shall notify the radio station of the *Projet de Protection et de Surveillance de Pêche au Sénégal (PSPS)* of each entry into or exit from the fishing zone. Shipowners will be informed of the call sign when the fishing licence is issued. Any vessel found fishing without having notified the PSPS of its presence shall be considered an unlicensed vessel.

H. Observers

1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the facilities provided for the officers of the vessel concerned;
- (b) the Senegalese authorities shall communicate to the Commission of the European Communities the names of the designated observers;
- (c) subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officer's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer;
- (b) in the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer;
- (c) captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
3. Owners of trawlers or longliners shall make a flat-rate payment to the Senegalese Government of CFAF 3 500 for seamen/observers and CFAF 8 000 for observers for each day spent on board.

A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.

I. Authorized mesh

The minimum authorized mesh sizes for industrial fishing gear are as follows:

- purse seines with live bait: 16 mm
- standard otter trawls (fish or cephalopods): 70 mm
- standard otter trawls (black hake): 60 mm
- coastal shrimp trawls: 50 mm
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.'

REPUBLIC OF SENEGAL

ONE PEOPLE — ONE AIM — ONE FAITH

MINISTRY FOR RURAL DEVELOPMENT

SECRETARIAT OF STATE
FOR ANIMAL RESOURCES

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION FORM FOR A FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:

Trade register No:

Name and first name of applicant:

Date and place of birth:

Occupation:

Address:

No of employees:

Name and address of co-signatory:

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments

Radar ☐ Sonar ☐ Netsonde ☐VHF ☐ SSB ☐ Satellite navigations ☐ Other

No of seamen:

CONSERVATION

Packed in ice ☐ Ice + refrigeration ☐
Freezing in brine ☐ Dry ☐ Refrigerated sea water ☐

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal ☐ Deep-sea demersal ☐

Type of trawl: ☐
Cephalopods ☐ Shrimps ☐ Fish ☐

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line ☐ No of poles and lines ☐

Seine ☐ Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface ☐ Bottom ☐

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade

☐

Export

☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

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No of employees:

NB: Indicate affirmative answer by a tick in the appropriate box.

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

SPACING OF HOOKS OR POTS:

TYPE OF FISHING (long lines or pots):

[illegible]

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from to

NAME OF VESSEL:

TYPE: Wet or freezer

NATIONALITY:

Species	Dates						
Fishing zone (¹)							
Sounder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

(¹) Dakar North, Petite-Côte, Casamance.

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from to

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				